

REMARKS

Claims 3-4 are pending in the application. Claims 1-2 have been cancelled. Cancelled claim 2 has been introduced as new claim 4; and claim 3 has been amended to incorporate the subject matter of cancelled claim 1. Hence, support for the amendments to claim 3 can be found in cancelled claim 1; and the addition of new claim 4 is based upon cancelled claim 2. No new matter has been added.

I. Claim Rejection under 35 U.S.C. § 112

Claims 1-2 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that in claim 1, the phrase “a raw material containing cumyl alcohol” is vague and indefinite because the term “containing” would mean that there are some additional components besides cumyl alcohol; thus a skilled artisan in the art is unable to figure out what else is present in the material.

Claims 1 and 2 are cancelled. Amended claim 3 recites only “cumyl alcohol,” rather than “a raw material containing cumyl alcohol,” and thus is not indefinite.

Reconsideration and withdrawal of the rejection are earnestly solicited.

II. Double Patenting

Claim 3 is rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 2 and 6 of U.S. Patent No. 7,319,177. The Office Action states that, although the conflicting claims are not identical, they are not patentably distinct from each other because the most of the limitations in instant claim 3 are identical with the disclosure of U.S. Patent No. 7,319,177, except that the instantly claimed concentration of propylene oxide is

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from 0 to 10,000 ppm. However, this limitation reads on the zero concentration of propylene oxide mentioned in the process of producing α -methylstyrene in U.S. Patent No. 7,319,177. It would thus allegedly have been obvious to add the limitation of the impurity of propylene oxide during the production of α -methylstyrene in the U.S. Patent No. 7,319,177 so as to cover the possible impurity present in the alpha-methylstyrene product.

Applicants submit herewith an executed Terminal Disclaimer directed toward U.S. Patent No. 7,319,177. Thus, this rejection is overcome.

Reconsideration and withdrawal of the rejection are earnestly solicited.

III. Claim Rejection under 35 U.S.C. § 102

Claims 1-2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Becker et al (U.S. Patent No. 3,526,674). The Examiner indicates that Becker et al discloses each feature of the foregoing claims.

Instant claim 3 recites a method comprising an oxidation step; an epoxidation step; a dehydration step; and a hydrogenation step. Instant Claim 3 also recites “wherein a concentration of propylene oxide in a cumyl alcohol is 0 to 10,000 ppm by weight.” Becker et al does not disclose a method comprising these claimed features.

In particular, Becker et al is directed toward the dehydration of cumyl alcohol to produce α -methylstyrene; however, Becker et al does not disclose each of the recited oxidation step; epoxidation step; dehydration step; and hydrogenation step. Likewise, as conceded in the Office Action, Becker et al does not disclose a step of obtaining α -methylstyrene by dehydrating cumyl alcohol obtained in the epoxidation step in the presence of activated alumina wherein a concentration of propylene oxide in cumyl alcohol is 0 to 10,000 ppm by weight.

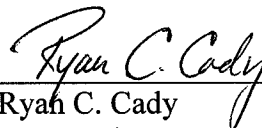
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For at least the foregoing reasons, instant claims 3 and 4 are patentable. Reconsideration and withdrawal of the rejection are earnestly solicited.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The U.S. Patent and Trademark Office is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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